

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

J. RALPH CHOATE and
JANICE G. CHOATE,

Plaintiffs,

v.

STATE FARM LLOYDS,

Defendant.

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Civil Action No. 3:03-CV-2111-M

MEMORANDUM OPINION AND ORDER

Before the Court are Plaintiffs' Objections to the Magistrate Judge's Order of May 19, 2005, which granted Defendant's Motion to Quash Plaintiffs' proposed deposition of Defendant's corporate representative. The Magistrate Judge's Order is not dispositive of Plaintiffs' claims, and therefore, the question before the Court is whether the Order is "clearly erroneous or contrary to law." FED. R. CIV. P. 72(a); *See also* 28 U.S.C. § 636(b)(1)(A) (2005); *Merrill v. Waffle House, Inc.*, 227 F.R.D. 475, 476 (N.D. Tex. 2005).

The Court, having reviewed the Magistrate Judge's legal conclusions *de novo*, and his factual findings for clear error, is of the opinion Plaintiffs' Objections to the Magistrate Judge's Order should be OVERRULED. Plaintiffs have not satisfied their burden of proving the Magistrate Judge committed clear error in determining that the topics to be covered in their proposed deposition are irrelevant, overly broad, and/or unduly burdensome. Moreover, Plaintiffs have not persuaded the Court they have a right, as a matter of law, to depose a corporate representative of Defendant under these circumstances. *See* FED. R. CIV. P. 26(b)(2) (vesting the Court with discretion to limit a party's use of any tools of discovery "if it determines that: (i) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; (ii) the party seeking discovery has had ample opportunity by

discovery in the action to obtain the information sought; or (iii) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues.”).

SO ORDERED.

DATED: July 13, 2005.

A handwritten signature in dark ink, appearing to read "Barbara M. G. Lynn", is written over a horizontal line.

Barbara M. G. Lynn
UNITED STATES DISTRICT JUDGE